

### III. The Commercial Land Use Code

Seattle's Land Use Code implements the Comprehensive Plan's policies through its regulations. These regulations contain the City's standards for development, and for use and reuse of property. The Code's standards generally seek to ensure the overall compatibility of uses and structures with the surrounding community. The Code does this by preventing negative impacts that can be caused by some land uses or activities locating near each other (heavy industry near residential uses, for example ) and by encouraging development types and uses that support each other.

In order to foster healthy and compatible business districts, the Commercial Land Use Code (SMC 23.47) provides detailed regulations that address when and how certain uses are permissible, the physical features of development (size, density, landscaping, screening, parking, etc.), and how to control potential impacts of commercial activities, such as noise and odor. The following discussion summarizes key elements of Seattle's existing land use code.

#### A. Uses

The Land Use Code's commercial use standards (beginning with SMC 23.47.004 and .006) aim to ensure compatibility among uses by limiting intensive uses in more sensitive commercial zones and allowing the greatest variety and intensity of uses in the least sensitive zones. This is a hierarchical system that prioritizes the greatest overall protection for the pedestrian-oriented NC1 and NC2 zones, and the least restrictive use standards for the automobile-oriented C1 and C2 zones.

Uses are regulated in a number of different ways.

- ▶ A chart of uses shows which uses are permitted in a zone, and which uses are prohibited.
- ▶ A number of uses are identified as conditional uses in one or more zones. These uses are reviewed on a case-by-case basis against defined criteria.
- ▶ Some uses are subject to maximum size of use limits. They are permitted, but only up to a certain size.
- ▶ Residential uses are a special case in commercial areas, they are generally permitted in buildings that contain a mix of commercial and residential uses, but residential-only buildings are subject to review to ensure that they are appropriate to the location.
- ▶ Some residential buildings are subject to density limits, which limit the number of units that can be built on a site, based on the site's size.
- ▶ The City has special requirements for street level uses in particular areas. These requirements are intended to ensure a lively pedestrian streetscape.

## 1. Use Chart

Along with building types, the mix of uses defines an area. Use requirements are central to the differences among the City's commercial zones.

In order to show where particular uses are appropriate, the Commercial Land Use Code uses a chart that shows approximately 115 types of land uses across five zone categories. The chart includes five different categories of permission: permitted outright; prohibited; permitted under specified conditions; permitted through City Council review; and permitted only in shoreline areas. In addition, sometimes it identifies a combination of two of those levels of permission, for example permitted outright up to a certain size limit, with the possibility of a conditional use permit above that size. A wide variety of land use sub-categories are described under larger categories such as retail sales and service, entertainment and transportation facilities. For example, "eating and drinking establishments" is nested under "Retail Sales and Services" and itself contains three subcategories.

It is relatively easy to understand the table but the listing of so many uses, several with the same permissibility status, extends the table across 4½ pages. In addition, fifteen footnotes provide both additional information and complexity.

Some categories in the chart provide useful distinctions, for example many of the listed automobile-related services are treated distinctly depending on the zone. On the other hand, all twelve of the institutional uses listed are permitted in all commercial zones, with no specific distinctions between the zones.

### Uses define differences among zones

**NC1 and NC2** zones are typically smaller commercial districts surrounded by residential areas. They sometimes provide a transition from more intensive commercial/mixed-use areas to less intensive residential areas. This means that the NC1 and NC2 zones are generally next to lower density residential areas, which can be sensitive to the byproducts of commercial use, such as noise, odor and traffic. Intensive commercial or industrial uses are prohibited in these areas. However, the use standards also implicitly recognize that a variety of retail/service commercial uses are appropriate close to residential areas to serve residents and support neighborhood vitality.

**Neighborhood Commercial 3 (NC3)** zones allow a somewhat wider variety of uses than the NC1 and NC2 zones. For example, the NC3 zone allows warehouses, wholesale showrooms, sales/service/rental of commercial equipment and construction materials, and conditionally allows park & ride lots. Also, several uses in the NC3 zone are permitted to be larger in size than allowed in NC1 and NC2 zones. The NC3 zones are found in the larger pedestrian districts.

The **C1 and C2** zones are intended to accommodate a wide variety of general commercial uses. The C2 zone allows the most intensive types of uses allowed outside of Industrial zones, such as general manufacturing, cargo terminals and kennels. The C2 zone is considered suitable for locations near industrial areas and along major arterials. The C1 zone allows fewer of the most intensive commercial uses, and is considered most suitable for automobile-oriented retail/service commercial uses located along busy arterials.

## 2. Conditional uses

The commercial use standards devote several pages of text to regulations for certain types of uses, such as public facilities, cemeteries, fast food restaurants, taverns, park & ride lots, helicopter landing facilities, work release centers, and “single-purpose residential” structures in certain zones. The code provides approval criteria for several conditional uses.

These conditional use requirements are three pages long and have been amended over once a year. As these criteria have evolved, the intent has been to be specific enough to evaluate applications for these uses.

Depending on the type of use, the conditions can become very specific. For example, the siting of work-release centers is in part based on the policies of the center including “...methods of checking the records of persons sponsoring outings for work-release residents...”

## 3. Maximum size of nonresidential uses

In addition to providing direction regarding which uses are appropriate in a particular type of business district, the code places limits on the size of specific uses in different areas. Section 23.47.010 of the commercial code lists maximum size of non-residential uses per individual business establishments or lots. Sizes of uses were initially limited in order to limit the amount of traffic that would be attracted to smaller commercial districts. Table III-2 contains the current limits.

There are two ways in which buildings in these zones can exceed size limits. First, the limits apply only to individual business establishments. This means that a single structure may be bigger if there are multiple businesses operating within it. For example, the Lakeside Plaza building at the north end of Green Lake contains a mix of restaurant, retail and office businesses, which combine to equal 34,000 square feet, more than the

**Table III-1**  
**Conditional Uses by Commercial Zone**

Conditional Uses	Zones in which the Use is Conditional				
	NC1	NC2	NC3	C1	C2
Medical Services near medical Major Institution	•	•	•	•	•
Restaurants with drive-in lanes			•		
Drinking Establishments	•	•			
Principal Use Parking (temporary)	•	•	•	•	•
Transit Vehicle Base				•	•
Helistops			•	•	•
Major Communication Utility				•	•
Work-Release Center	•	•	•	•	•
Single-Purpose Residential buildings	•	•	•	•	•
Any residential use (except Nursing Homes and caretaker's quarters)					•
Mobile Home Park					•
Park and Ride Lots					•

**Table III-2  
Maximum Size Limits (sq. ft) for Nonresidential Uses**

Nonresidential Uses Subject to Maximum Size Limit	Zone				
	NC1	NC2	NC3	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000	15,000	None	None	None
Medical services	10,000	15,000	None	None	None
Multi-purpose convenience store	10,000	50,000	None	None	None
Food processing and craft work	4,000	5,000	10,000	None	None
Light manufacturing	X	5,000	10,000	None	None
Fuel sales	4,000	8,000	None	None	None
Sales, service and rental of commercial equipment and construction materials Passenger terminals	N/A	N/A	25,000	None	None
Indoor participant sports and recreation	4,000	15,000	25,000	None	None
General manufacturing	N/A	N/A	N/A	15,000	None
Wholesale showroom warehouse	N/A	N/A	15,000	25,000	None
Mini-warehouses	N/A	N/A	15,000	40,000	None

15,000 square feet permitted for nonresidential uses in an NC2 zone.

Second, existing businesses are permitted to expand, and in most cases to double in size.

A review of more than 300 commercial and mixed-use development proposals over the past several years generally indicates that the limit most frequently “exceeded” was the 4,000 square foot limit in NC1 zones (10 of 37 projects in NC1 zones). However, since these projects were either to allow an existing business establishment to expand or to permit a building which would contain a number of distinct business establishments, none of the proposals inappropriately exceeded the limit for a particular use.

In NC2 zones, approximately 13 of 102 projects involved buildings that exceeded the soft 15,000 square foot limit. However, in every case, the proposal was allowed because it was either the expansion of an existing business or the development of multiple individual business establishments each of which was smaller than the size limit.

For the other size limits expressed for specific types of commercial uses, no proposals exceeded the limits and there was no pattern that suggested the limits are too low. Even where there was no maximum size limit, the projects did not show a pattern of excessive size.

Approximately ten projects have been built in the NC1 zone with more than 4,000 square feet of commercial space. Some of these projects have split their commercial area into small, distinct commercial spaces that are each under 4,000 square feet. For example, the new Bowling Green mixed-use project in Madrona contains 3,900 square feet of office space, 1,500 square feet of retail space, 500 square feet of restaurant space and a 500 square foot specialty food store. Because developers can break their buildings into a number of different commercial uses, each of which fall under the threshold, it is not clear that the limits provide any significant impediment to the size of a building, the concentration of commercial space in a neighborhood, or the traffic impacts of businesses on the

surrounding neighborhood. Five smaller popular businesses may attract more traffic than one large business.

In C1 and C2 zones, there is also a 35,000 square foot limitation on office uses. These limits are in place to limit pedestrian activity in an auto-oriented zone. However, if an office building meets specific standards from the pedestrian-oriented zones, the limits do not apply. The standards apply to outdoor storage, screening, blank facades, drive-in lanes and location of parking.

Seven projects were built in the C zones that exceeded those limits. These projects tended to contain between 80,000 and 125,000 square feet of office space, two to three and a half times the limit. However, since these proposals met development standards or served multiple business establishments, none inappropriately exceeded the size limits. Most of these large projects have been built in center city neighborhoods surrounding Downtown Seattle.

#### **4. Residential Uses in Commercial Areas**

Residential uses play a special role in commercial areas. In pedestrian-oriented areas residents are likely to patronize their neighborhood businesses. The resulting mix of uses can be mutually supportive, with residents patronizing neighborhood businesses and businesses providing needed goods, services and sometimes jobs for the residents. On the other hand, limits on residential uses have been considered appropriate in auto-oriented zones, where more intensive commercial and light industrial uses could create negative impacts on residents, including traffic, odors and noise. In these auto-oriented areas the street environment can conflict with pedestrian activity, meaning that residents in these areas are more likely to drive to make their trips than are residents in other areas.

Seattle's regulations split residential structures in commercial areas into two categories: mixed-use and single-purpose residential.

- ▶ “Mixed-use development” contain a combination of residential and non-residential uses, with most of the street front dedicated to non-residential uses. These buildings are permitted in most commercial zones. They are conditional uses in the C2 zone.
- ▶ “Single-purpose residential structures” contain no street level commercial spaces – in multifamily zones they would be called multifamily buildings. For a number of reasons, these projects are subject to more restrictions on their location in commercial areas than are mixed-use projects.

**a) Locations for Residential Uses**

Mixed-use structures, because they provide ground floor retail space, and thus continue to provide a commercial environment even though they can be filled with predominantly residential uses. By permitting them in commercial areas, residents are able to live close to jobs, goods and services and businesses receive the benefit of more potential customers. They are permitted in most commercial zones, but in the most intensive auto-oriented zone (C2), any residential use is only allowed if the following conditions can be met:

- (1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.
- (2) Relationship to Transportation Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.
- (3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

Single purpose residential structures are more strictly regulated. In most areas, they are permitted only when:

- a. Due to location or parcel size, the proposed site is not suited for commercial development; or

- b. There is substantial excess supply of land available for commercial use near the proposed site, as shown by conditions like a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development cannot interrupt “established commercial street front[s].”

Single Purpose Residential structures are prohibited in areas with height limits of 85 feet or higher, in order to maintain street level commercial activity and pedestrian interest in the densest commercial areas.

Neighborhoods were given the opportunity to map areas where single-purpose residential buildings should be permitted outright or prohibited. Several neighborhoods that supported SPR wished to provide greater flexibility to owners in the future development of property, so that some beneficial redevelopment or reuse could occur. Neighborhoods that opposed SPR wished to maintain street-level commercial use requirements.

In areas mapped with the Pedestrian 1 and 2 designations (P1 and P2), single-purpose residential structures are prohibited. It is intended in these areas to create or enhance pedestrian-oriented shopping districts. Residential uses, especially as they have been built in the past, could create breaks in the retail character of the street, discouraging customers from walking from shop to shop.

Areas mapped with the Neighborhood Commercial/Residential designation, on the other hand, are intended to promote residential development within a commercial area. The R designation has

only been used in response to neighborhood plans, it allows single purpose residential uses outright, and limits the amount of commercial space that can be built in an area.

If an area isn't mapped with a residential or pedestrian designation, and a neighborhood plan didn't map areas to permit or prohibit an area as appropriate or inappropriate for single-purpose residential uses, they are treated as conditional uses.<sup>1</sup>

There have been very few single-purpose residential structures built in the City's commercial zones over the last ten years – only 4% of all projects in commercial areas. Generally they have been located at the edges of commercial areas, in locations with low commercial visibility.

Among the largest projects have been condominiums along Harbor Avenue Southwest, at a fairly isolated location separated from a strong commercial environment; a multifamily building a half block off of Eastlake Avenue, at the south end of the Eastlake neighborhood; and a senior housing project on Greenwood Avenue N. at 96<sup>th</sup> Street, in an area with a mix of existing residential and commercial uses, and along North

85<sup>th</sup> Street in the Greenwood neighborhood, at the east end of the commercial district. The least dense projects include the few townhouse projects that have been built in commercial zones, including one at Holman Road and Mary Avenue NW in Crown Hill.

### b) Residential Density Limits

In addition to regulating the location of residential structures, Seattle regulates the number of units a residential building can contain. The number of units in a mixed-use structure is limited by building design constraints, like setbacks and height limits. On the other hand, many single-purpose residential buildings are subject to limits on the number of units permitted on their site. This does not influence the size of the project, only the number of units inside.

Residential density limits are determined by dividing the square feet of a lot by the number of units on site. For example, a 10-unit multifamily building on a 5,000 square foot lot would have a density of 500 sq. ft./unit ( $5,000/10 = 500$ ). Density limits in commercial areas are set to encourage the

**Table III-3**  
**Density Limits for Single-Purpose Residential Structures in Commercial Zones**

Zone	Height Limit	Inside Urban Villages	Outside of urban villages
NC 1/2/3	30'	700 sq. ft./unit	800 sq. ft./unit
NC 1/2/3	40'	500 sq. ft./unit	600 sq. ft./unit
NC 1/2/3	65'	400 sq. ft./unit	600 sq. ft./unit
NC 1/2/3	Over 65'	Prohibited	Prohibited
NC/R	Any Height	None	Zone not allowed
C1/C2	Any Height	1,000 sq. ft./unit	1,000 sq. ft./unit
C1/C2 built to NC Standards	Any Height	See NC Standards	1,000 sq. ft./unit

<sup>1</sup> These conditions could merit some further review for their continued relevance. For example, a single-purpose residential structure is permitted in any commercial zone, if "...an application for a reservation of tax credit for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission was filed on or before March 15, 1988;..."

development of mixed-use projects within urban villages. Generally, mixed-use structures have no density limit, and single-purpose residential buildings can contain more units inside urban villages than outside of urban villages. This is intended to provide an incentive to build mixed-use

structures and implements a Comprehensive Plan policy that calls for concentrating development inside urban villages.

The incentive of allowing projects to have higher densities in mixed-use projects than in single-purpose residential projects, has succeeded in encouraging almost all residential development in commercial areas to include some commercial space. As mentioned above, there have been very few single-purpose residential projects built in commercial zones over the last ten years.

building. These projects are generally much less dense than most mixed-use projects in their zone category.

### c) Other Housing Types

In addition to two basic types of residential uses in Commercial zones, three other types of residential uses are built in Seattle. Each of these uses – home occupations, live-work units and assisted living facilities – combines businesses with residential uses in unique ways and is treated distinctly in the

**Table III-4**  
**Median Densities in Built Mixed-Use Projects**  
**(lot area in sq. ft. per unit)**

Zone	Height Limit	Inside Urban Villages		Outside of urban villages	
		Number of Units	Median Density	Number of Units	Median Density
NC 1/2/3, C1/2	30'	0	N/A	327	825
NC 1/2/3, C1/2	40'	1,553	500	726	550
NC 1/2/3, C1/2	65'	2,579	525	326	575
NC 1/2/3, C1/2	Over 65'	39	250	0	N/A

Most of those projects consisted of single-family homes or townhouse projects, many of them on sites that are split by two different zoning designations.

For mixed-use projects, which aren't subject to any limits on density, the median residential density is approximately the same as the maximum density permitted in single-purpose residential projects. This means that approximately half of mixed-use projects would be permitted under the density limits for single-purpose residential projects, and half would be denser than those limits.

However, these mixed-use numbers include some types of projects, such as senior housing, that would be exempt from those density limits, and are generally denser than other types of multifamily housing in commercial areas. At the same time, these mixed-use projects include some projects that appear to have one or two units added as accessory uses to a primarily commercial

code.

### Assisted Living Facilities

Assisted living facilities are multi-family buildings that provide their residents with assistance with the activities of daily living (eating, toileting, moving, and/or bathing) or whose residents have cognitive impairments but do not need skilled critical care.

Because of the lower impacts that the residents of assisted living facilities have on their surrounding neighborhood, they are not subject to density or open space requirements. However, they are required to provide communal areas that equal 20% of the area of the units, instead of open space. They are also required to provide a kitchen on-site where food for the entire facility is prepared.

### Live-Work Units

Live work units are units that combine a business and living space within the same unit. They provide opportunities for small



business owners to live and work in the same space. Live-work units provide a transition between traditional mixed-use buildings and single purpose residential buildings.

When provided at street level in areas where single purpose residential structures are allowed as conditional uses, they can qualify a building as mixed-use and the conditional use requirements for a single-purpose residential building do not need to be met. In order to make sure that they provide an active street front, transparency and visibility into the front of the unit are required.

### **Home Occupations**

Home occupations are work places within a residential unit. They are permitted as a part of a residential use, and the code seeks to make them subservient to the residential character of the structure. The difference between live-work units and home occupations is that the primary use in a home occupation is the housing. In live-work units, housing and business have an equal weight and importance in the regulations. In order to ensure that the residential use remains the primary use on the site, the code states that home occupations:

- can't advertise their address;
- have stricter limits on their signs;
- can't make any exterior or interior alterations that wouldn't be normal in a residential unit;
- have limits on the number of vehicles associated with the business;
- can't operate out of an accessory structure;
- can't have outdoor storage areas;
- have limits on their pickup and delivery; and

- can't add to on-street parking demand.

Generally, these rules keep the residential character of a mixed-use or single-purpose residential building. In order to avoid these restrictions, a change of use from a residential to a commercial use would be required.

## 5. Changes of Use.

When someone wants to change how their property is used, a change of use permit is required if the new use is subject to different development standards from the existing use. Exceptions are set forth in Director's Rule 51-88, *Requirement for a Master Use Permit when there is an Establishment, Expansion, or Change of Use*. These exceptions generally apply when the standards for the new use are more permissive than those applying to the prior use.

Director's Rule 51-88 lists development standards that are exempt from change of use permits. Very few changes are exempt from the change of use permit, but development standards not likely to be affected by the change of use are generally not examined. When the old and new uses are compared, a number of factors are considered, including life safety, building code occupancies, whether the new use is allowed outright in the zone or as a conditional use, and the minimum parking requirement, among others. Once the new use passes this review, the change of use permit is issued.

Changes of use that fail this review typically do so because of life safety issues or the minimum parking requirement. Changes of use that fail due to the parking requirement appear to affect small businesses and the owners of small commercial spaces the most. Larger businesses and buildings benefit from professional property managers who anticipate the costs of providing parking for tenants and patrons. Small proprietors too often fail to anticipate the expense of providing additional parking and do not have adequate reserves to construct additional spaces, lease off-site spaces within 800 feet, or pursue a variance.

A typical change of use that generates a parking deficit will be a retail space (1

parking space per 350 square feet) changing to a restaurant (1 space per 200 square feet), and the resulting deficit is likely to be only a few spaces. For example, assuming a fairly typical 2,000 square feet space with no applicable waiver, the difference would be four parking spaces. These parking spaces would need to be found within 800 feet of the proposed restaurant, or the restaurant would not be permitted to open in that space. The business would need to find a new place to locate and the property owner would need to find a new tenant.

## **B. Development Standards**

Development standards regulate the size, shape, siting, density and other related elements of development. They are intended to create a consistent character within an area and to limit the impacts of new development on surrounding uses. Seattle's development standards for commercial areas include requirements that regulate the bulk of buildings, that encourage a strong pedestrian orientation, that provide for an appropriate amount of parking at appropriate locations, that require "open space" as an amenity for residents in commercial areas, and that encourage appropriate screening and landscaping.

### **1. Height, Bulk and Density**

Bulk refers to the outside form of a building – how big a building is on its site, how much space it takes up. Density refers to the interior space in a building – how many units are in a building, compared to its site area; how much floor space is in a building compared to its site area. Within limits, buildings with the same density can be very different in terms of their bulk. Likewise, buildings of similar bulk can have very different interior densities, based on how they are designed.

In the Commercial and Neighborhood Commercial zones, the bulk and density of new development is primarily controlled in four ways. The factors that are intended to limit the size and bulk of projects in commercial areas include:

- Allowed height;
- Setback requirements for projects next to residential areas
- Floor area ratio density limits in areas with height limits over 65 feet; and
- Limits on upper-story lot coverage for residential floors.

In addition, parking requirements and limits on residential densities in single-purpose residential development can also influence the bulk of buildings.

Of the four direct limits, all but the last apply to non-residential projects, and for many commercial-only projects under the current code the only real limit is the height limit. Only residential projects have upper-story lot coverage limits, and generally, only single-purpose residential buildings have residential density limits. Within new mixed-use structures, there is no density limit for the number of units that can be built, and so other development standards become the limiting factors.

The first and foremost limiting factor for residential projects is the parking requirement. Parking is expensive; it can take up much of the physical space within the envelope of a building, and when it is built underground it becomes even more expensive. In any potential redevelopment, the first regulation to be examined by a developer or architect is parking requirements. Parking will often be the determining factor in whether or not a new building is financially feasible. Parking is a very complex issue and is treated elsewhere in this document.

Secondarily, the number of residences in a new building is limited by the height limit. This is a fairly obvious standard; the taller the allowed height, the more floors and the more units that can be built. In commercial zones, height limits are mapped separately and different heights may apply to the same zone depending on the location. Generally, changing the maximum allowed height of a commercial zone must be done through the rezone process.

Lastly, in most commercially-zoned areas, any building with residential units is subject

to a maximum upper-story lot coverage limit of 64%. This means any story above the ground level that is occupied by residential uses in a mixed use building can cover no more square footage than 0.64 times the square footage of the lot being developed.<sup>2</sup>

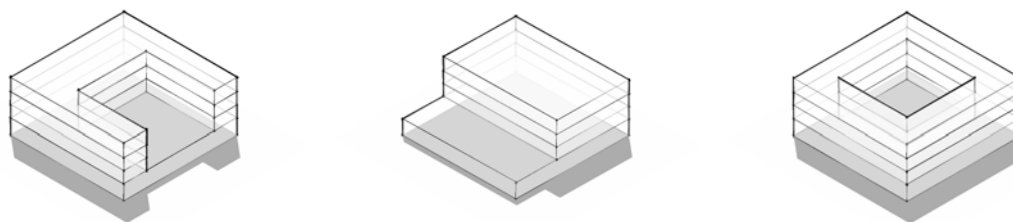
The 64% upper-story lot coverage requirement for residential uses in commercial areas evolved from a requirement that originally stated that upper stories were limited to 80% of the width and 80% of the depth of a structure. While the 64% requirement is a more flexible bulk control than the older requirement, its effect reaches well beyond bulk. Implemented well before Design Review began, it is a primary driver of the form of new mixed-use structures built in Seattle.

massing to better fit the context of a site. It also provides the flexibility for providing ground-level amenities such as plazas without giving up valuable leasable floor area. However, for projects that do not go through the design review process, the standard is rigid in terms of what amount of massing is allowed in ground level or upper story locations.

This standard also creates some amount of policy tension, in that the majority of mixed use development takes place in zones within urban center and village boundaries. These are the very places that the Comprehensive Plan encourages housing density.

Research in Seattle zones without this type of requirement, such as in the Seattle Cascade Mixed zone and in Belltown, has

**Figure IV-1**  
**Three Options for Meeting the**  
**64% Upper Level Lot Area Requirement in a 40-foot zone**



Under the 64% upper level requirement, upper stories may be built to the lot line, with a light/air well or courtyard consuming 36% of the upper stories (see Figure IV-1). The 64% requirement therefore doesn't consistently limit the bulk of a building, but rather acts more as a limit on residential densities.

This development standard is often departed from in the Design Review process. The Design Review process allows for flexibility in the amount and location of a building's

shown that market preference and building code requirements for light and air access to units will generally lead a developer to use modulation and façade breaks in upper stories with residential uses.

In multifamily zones, Seattle regulates density with development standards, including lot coverage, setback, and parking requirements, in addition to the maximum density limits that are also in place.

Maximum density limits are in place in commercial zones to limit single purpose residential buildings. However, because no density limits apply for mixed use structures, it is rare to see single purpose

<sup>2</sup> The requirement does not apply to commercial uses, including offices, or parking, which are permitted to occupy 100% of the upper story.



This Belltown building provided ground and upper level setbacks without 64% lot coverage requirement.

structures outside of the areas they are expressly allowed without the density limit. This strong incentive has created the perception that Seattle “requires” mixed-use development in commercial zones, or that there is a “penalty” to developers for not building mixed-use buildings, even in locations where ground floor commercial uses may not be viable.

Setbacks are a common method of controlling bulk, and they are widely used in Seattle’s residential zones. A setback (also called a ‘required yard’ in single family areas) simply says how far away a structure must be from a property line. For most commercially-zoned lots, no setbacks are required. However, setbacks are used when a commercially-zoned lot abuts a residential zone. In such a situation, a new commercial building must set its upper stories back at least ten feet from the adjoining property line. Triangle-shaped setbacks are also required on the part of the street-facing lot line of commercial lots adjacent to

residential lots to help maintain a consistent street front.

The use of a floor area ratio (FAR) is a widely accepted tool for regulating bulk and density that provides flexibility for building designers. It is used in most major cities in the country, particularly within their more urban centers, and is especially prevalent for non-residential development. The FAR is used in higher density zones in Seattle, including for non-residential development downtown, as well as within the commercial zones with height limits above 65 feet.

The FAR determines the maximum gross square footage in a new building. In the absence of other regulations, an allowed FAR of 1 (or 1:1) would allow a one-story, lot line to lot line structure; a 2-story structure covering half the lot, or a 3-story structure covering a third of the lot. An FAR of 2 (2:1) could allow a 2 story structure covering the entire lot or a 4-story structure covering half the lot. In many places, FAR is used without a height limit, giving a great deal of flexibility for building massing.

Most of Seattle’s commercial zones don’t have prescribed FARs. Instead, floor area ratios of buildings in Seattle’s commercial zones are influenced by a number of other factors including height limit, intended uses, and location. Zoned height limits indicate how many stories can be built, and thus how much space can be fit within a building. Zones with higher height limits tend to create higher density buildings. The second factor is the mix of uses intended for a building. Auto-oriented uses such as gas stations have very low FARs, office buildings and hotels tend to have relatively high FARs, because multi-story buildings are the norm for these uses. Finally, the location of the building also tends to influence the FAR of a new building. Denser neighborhoods tend to have higher land costs, which leads developers to try to

make the most efficient use of their investment in the land that will work for the uses intended for the site.

## 2. Parking

Personal mobility and parking influence the form of our built environment and dictate the spatial relationship between uses in modern zoning. There is a strong relationship between the availability of free parking and the number of people choosing to drive alone, especially during peak commute periods. The numbers of people driving alone (single occupancy vehicles or SOVs) dramatically affects the effectiveness of Seattle's transportation and transit systems and the quality of neighborhood business districts.

The City's Comprehensive Plan supports short-term parking for customers and long-term parking for residents more than parking for commuters to jobs in neighborhood business districts. Off-street parking regulations within the Land Use Code and related review processes generally support parking for carpools and other vehicles with passengers (high occupancy vehicles or HOVs) over parking for SOVs. The code also provides waivers and incentives for transit, bicycling and walking. Such regulatory tools for distinguishing one kind of parked vehicle from another and to reduce parking based on non-SOV use or facilities make the Land Use Code more, not less complicated. Seattle's experiences to date have shown such complex requirements as costly to enforce.

Project applicants often say the Code requires too much parking, creating unnecessary expenses for their development. On the other hand when older buildings in a neighborhood have no on-site parking, neighbors will say too little is required of new development.

Parking and access to it take up space and influence building cost, aesthetics and orientation. On-site parking also has the potential to create safety problems at locations where the paths of pedestrians and automobiles must cross.

### a) Cost of Parking

Parking minimums can distort market forces when they require more parking than a project's occupants or visitors would otherwise use and/or be willing to pay for. A single parking space can cost up to \$30,000, depending on factors such as location, land costs, parking demand in the surrounding area, and whether the parking is provided within a structure or on the surface. A recent San Francisco study estimates that providing one parking space per residential unit increases that unit's cost by 12.5% and two spaces increases the cost by 25%.<sup>3</sup> Other studies suggest the cost of providing parking increases housing prices by more than the direct cost of the parking spaces.<sup>4</sup> The cost of most required parking in Seattle, however, is not obvious its users. Instead, parking costs are incorporated into rents and therefore are hidden from residents, employees and customers who use the parking, resulting in unwise use of the parking resource.

An expectation of free parking often drives perceptions of parking supply for commercial uses. For example, in the University District, a high percentage of shoppers report a shortage of evening parking even though nearby pay lots are

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<sup>3</sup> Littman, T. "Parking Requirement Impacts on Housing Affordability," Victoria Transport Policy Institute, Victoria, B.C., Canada, 23 October 1995.

<sup>4</sup> Shoup, D.C., "An Opportunity to Reduce Minimum Parking Requirements," *Journal of the American Planning Association*, vol. 61. No.1., Winter 1995, pp. 14-28.

rarely full and many Ave merchants validate parking.<sup>5</sup>

The expectation of free parking forms the basis of concern over spillover parking. As development occurs, a valued resource heretofore provided at no cost (i.e., on-street parking nearby,) becomes less available. Businesses and residents who hadn't had to pay for their parking in the past, start to need to pay for parking either directly or through increased time finding parking or traveling between a more distant parking space and the place they're going. In the past, the City has sought to have new development compensate for these increased costs through high parking requirements.

#### b) Quantity

The commercial policies of the

of neighborhood commercial uses that encourage transit and pedestrian activity and variety of services in commercial areas.”

Current required minimums are higher than anticipated demand.

In 1999-2000, the City of Seattle conducted a city-wide Comprehensive Neighborhood Parking Study (CNPS) that included surveys of parking occupancy at many businesses in Seattle, measuring average and peak parking demand during a typical weekday. From this survey, data about parking demand for the seven most common land use types have been drawn.

Table III-5 compares parking requirements with averages of demand found in the CNPS for uses that require 1 space per 350 square

**Table III-5**  
**Parking requirement compared to parking demand citywide**

Where the current requirement is:	Demand was found to be:
1 space per 350 sf [multipurpose convenience store, general retail sales/service, medical services, animal health services, auto parts/accessory sales, etc.]	<ul style="list-style-type: none"> <li>1 space per 442 sf</li> </ul>
1 space per 200 sf [restaurants, drinking establishments]	<ul style="list-style-type: none"> <li>1 space per 177 sf</li> </ul>

Source: Comprehensive Neighborhood Parking Study, City of Seattle, Strategic Planning Office, August 2000

Comprehensive Plan (at L175) direct Seattle to

“[s]et requirements to discourage underused parking facilities, which may mean tolerating occasional spillover parking, and allow minimum parking requirements to be waived or reduced to promote the maintenance and development

feet (general retail uses) and 1 space per 200 square feet (restaurant uses). For uses requiring 1 space per 350 square feet, average peak demand was 80% less than the required minimum. For uses requiring 1 space per 200 square feet, average peak demand was 13% higher than the required minimum.

Peak demand for these uses varied widely from site to site and across Seattle neighborhoods. A few successful businesses generated peak demand several times greater

<sup>5</sup> Comprehensive Neighborhood Parking Study, Table 1 at 6, City of Seattle, Strategic Planning Office, August 2000

than the required minimum. For general retail, 35% of the sample had parking demands below the required minimum, 11% used more than 1 space per 175 square feet (twice the required minimum), and 17% used less than 1 space per 1000 square feet (one third of the required minimum). For restaurant uses, 61% of the sample had demands below the required minimum, 17% used more than 1 space per 100 square feet (twice the required minimum) and 10% used less than 1 space per 1000 square feet (one fifth of the required minimum).

The CNPS data highlight the difficulty of establishing a single minimum requirement that prevents parking spillover on the one hand and discourages underused parking on the other. Demand varies widely when, for example, a popular restaurant replaces a failing restaurant in the same space. The City study did not include weekend days, thus peak demand for some restaurants and retail was not captured. It is estimated that an even greater variance in the data would

average demand for all uses. Many businesses whose peak demand falls below the minimum are paying to provide unused parking. While programs such as Seattle Department of Transportation's *Making the Parking System Work* program encourage and facilitate shared parking in order to more efficiently use existing parking, the Land Use Code generally does not allow the sharing of spaces that are part of a use's minimum requirement.

### c) Demand and Geography.

The CNPS data show that parking demand varies depending on proximity to Downtown, major employment or activity centers, like the University of Washington or high transit accessibility. Areas with these characteristics, namely Seattle's Urban Centers, tend to have lower parking demand than other areas. Based on this precedent, Table III-6 summarizes average peak demand data for businesses located inside Urban Centers and Villages.

**Table III-6**  
**Parking requirement compared to parking demand**

Where the current requirement is:	Demand was found to be:
1 space per 350 sf	<ul style="list-style-type: none"> <li>1 space per 510 sf in Urban Centers</li> <li>1 space per 515 sf in Hub and Residential Urban Villages</li> </ul>
1 space per 200 sf	<ul style="list-style-type: none"> <li>1 space per 205 sf in Urban Centers</li> <li>1 space per 260 sf in Hub and Residential Urban Villages</li> </ul>

Source: Comprehensive Neighborhood Parking Study, City of Seattle, Strategic Planning Office, August 2000

occur on weekends. Some will have a higher weekend demand while others may have limited weekend hours.

Where is the appropriate place on the distribution curve for the minimum amount of required parking? Currently, the minimum parking requirement is close to the

The 2000 Census collected data on vehicles available per household, which is a useful substitute for estimating residential parking demand. Table [\*3] shows vehicles available per household for Urban Centers,



**Table III-7**  
**Vehicles available per household for select neighborhoods**

	<b>All units:</b>	<b>Owner occupied units:</b>	<b>Renter occupied units:</b>
<b>Urban Centers/Urban Center Villages</b>			
<b>1<sup>st</sup> Hill/Capitol Hill</b>			
<b>1<sup>st</sup> Hill</b>	<b>0.6</b>	<b>0.9</b>	<b>0.5</b>
<b>12<sup>th</sup> Avenue</b>	<b>0.9</b>	<b>1.5</b>	<b>0.8</b>
<b>Capitol Hill</b>	<b>0.8</b>	<b>1.1</b>	<b>0.75</b>
<b>Pike/Pine</b>	<b>0.6</b>	<b>1.1</b>	<b>0.5</b>
<b>South Lake Union (proposed Urban Center)</b>	<b>0.7</b>	<b>N/A</b>	<b>0.7</b>
<b>Uptown</b>	<b>0.9</b>	<b>1.1</b>	<b>0.85</b>
<b>University Community</b>			
<b>Ravenna</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
<b>University District Northwest</b>	<b>0.9</b>	<b>1.1</b>	<b>0.9</b>
<b>Northgate</b>	<b>1.0</b>	<b>1.3</b>	<b>0.9</b>
<b>Hub Urban Villages and Residential Urban Villages</b>			
<b>Lake City</b>	<b>1.2</b>	<b>1.4</b>	<b>1.1</b>
<b>Greenwood-Phinney Ridge</b>	<b>1.4</b>	<b>1.5</b>	<b>1.2</b>
<b>West Seattle Junction</b>	<b>1.2</b>	<b>1.7</b>	<b>1.0</b>
<b>Columbia City</b>	<b>1.2</b>	<b>1.9</b>	<b>0.8</b>
<b>Areas Outside of Urban Villages</b>			
<b>Maple Leaf</b>	<b>1.7</b>	<b>1.7</b>	<b>1.5</b>
<b>Magnolia</b>	<b>1.6</b>	<b>1.8</b>	<b>1.3</b>
<b>Alki</b>	<b>1.6</b>	<b>1.9</b>	<b>1.4</b>
<b>Seward Park</b>	<b>1.9</b>	<b>2.0</b>	<b>1.5</b>

Source: U.S. Census, 2000

Urban Villages, and for a selection of non-Center or Village neighborhoods.

Tables IV-6 and IV-7 both suggest different average parking demand inside and outside of Urban Centers and Urban Villages. For residential and general retail uses, demand for parking is lower inside the Centers and Villages. Factors accounting for this difference include

- the availability of transit and other alternative transportation modes,
- nearby array of goods and services allowing for more trips to be made by walking,
- proximity to employment centers allowing for walking or bicycling to work, and
- higher proportion of older buildings built before parking requirements, meaning that parking is simply not available and people with cars choose not to live in those units.

Restaurant uses were found to have a higher parking demand inside Centers than in Villages, but that both types of areas have lower demand. This can be explained by the higher prevalence of destination entertainment districts featuring restaurants, in Urban Center areas such as Broadway, Uptown, and Pike/Pine.

#### **d) Parking Waivers**

The amount of parking required on a site may be determined by both the citywide requirements in the Land Use Code and specific environmental review of a project under the State Environmental Policy Act (SEPA). The Land Use Code's requirements are intended to balance on-street parking impacts with the potential impacts that are exacerbated by an excessive parking supply, such as peak-hour traffic congestion, air quality, non-point source

pollution, and incentives for transit. SEPA review of parking impacts, which focuses on the potential for parking spillover, can result in the City requiring more parking than would otherwise be required. Seattle has exempted parking impacts from SEPA review only in Pike/Pine and Seattle Cascade Mixed zones.

While the City estimates the same parking demand for each use category in most zones, parking waivers are granted in pedestrian-oriented areas. A 2,500 square foot base parking waiver applies to all buildings within NC zones. Additionally, higher waivers are set for businesses in areas with P1 and P2 designations.

These waivers are an important characteristic that distinguishes the P1/P2 designations from the Neighborhood Commercial zones. These waivers recognize that most customers of smaller

**Table III-8**

#### **Reduction to Required Parking in P1 and P2 Designated Zones**

	NC1	NC2	NC3
Retail sales and service uses, except eating and drinking establishments; customer service offices; and entertainment uses, except motion picture theaters.	P1 and P2: Parking waived for first 4,000 sq. ft.	P1: Parking waived for first 15,000 sq. ft. P2: Parking waived for first 5,000 sq. ft.	P1: Parking waived for first 25,000 sq. ft. P2: Parking waived for first 5,000 sq. ft.
Motion picture theaters	P1 and P2: Parking waived for first 150 seats.		
Eating and drinking establishments	P1 and P2: Parking waived for first 2,500 sq. ft.		

businesses in P1/P2 areas will access them on foot so less parking is required.

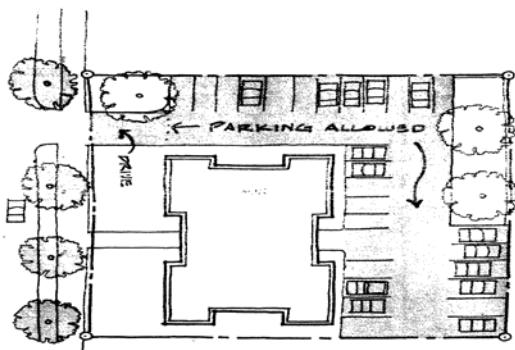
Overall, the parking waivers associated with the P designations have worked well and have not resulted in intrusive spillover parking into surrounding residential areas. Further, the CNPS indicates that parking requirements could be reduced while still meeting parking demand. The urban villages strategy indicates that specific areas of the city should encourage density and non-auto modes of travel through targeted transportation strategies, as well as through the development of non-auto oriented development.

#### e) Location of parking on the lot.

The location of surface parking has significant impacts on how neighborhood business districts function. In C zones, parking may be located anywhere on the lot, and is generally located in front of a building in locations readily visible to passing motorists.

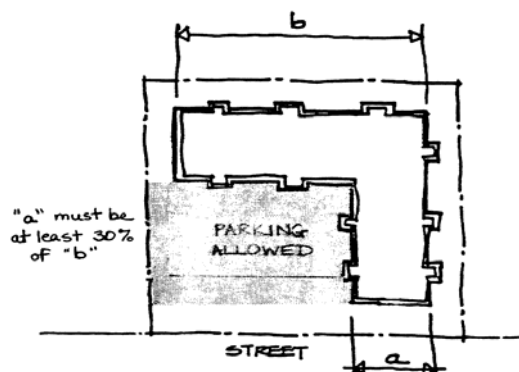
In pedestrian-oriented NC zones, the location of parking related to streets, lot lines and structures asserts a profound influence on the configuration of resulting development. The current Code allows parking between the side or rear lot line and a structure in NC zones (see Figure IV-2.)

**Figure IV-2**  
Allowed parking locations in NC2.



If a lot fronts on two or more streets, or if a building meets the street for 30% of its width (see Figure IV-3), parking may be allowed between the structure and a front lot line.

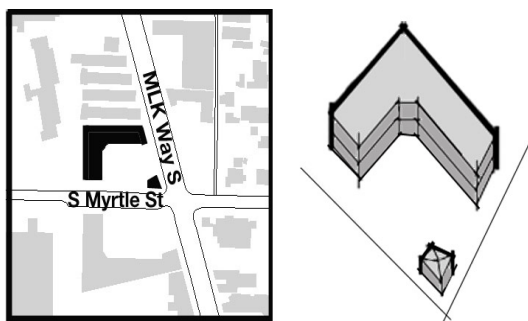
**Figure IV-3**  
Allowed parking in front of a structure.



These limits are largely successful at separating pedestrians from vehicles and orienting buildings toward the neighborhood commercial streetscape. However, the 30% rule provides opportunities for site configurations that still allow parking to consume a significant amount of the street frontage, separating pedestrians from businesses by surface parking lots, interrupting the continuity of street level uses and pedestrian activity. An example of one configuration that meets the letter of the Code is shown in Figure IV-4.

**Figure IV-4**  
Small corner building allows parking close to the corner



**Figure IV-4 (cont.)**

The example is in an NC3 zone. The character of the intersection is relatively auto-oriented. Without the small café, the larger structure might have been required to front along Martin Luther King Jr. Way S. Two of the remaining three corners of the intersection have parking lots at the corner. Although the café is popular, the small structure seems a token gesture marginally justifying the large auto-oriented structure behind it. Patrons of the corner café, as well as pedestrians stepping out of the crosswalks, must cross large driveways.

Similarly, a special exception process in the NC2 zones allows for parking in front of buildings if the following conditions exist:

- the streetscape is so inhospitable to pedestrians that there's an increased likelihood that patrons will drive from one business to another,
- the lot is narrow and alley access infeasible so that a large portion of the lot would need to be devoted to a driveway, and
- the NC2 zone lacks strong edges to buffer adjacent low density residential areas from parking.

Rather than helping to transform auto-oriented commercial districts into more pedestrian-friendly environments, this set of conditions seems intended to retain the auto-orientation of neighborhoods that would otherwise become more pedestrian-friendly over time.

Businesses in Seattle have largely adapted to standards that require them to conform to pedestrian uses. For example, many fast food restaurants have eliminated drive-in facilities and stand-alone buildings in favor of building designs that allow walk-up traffic. In most commercial zones, there is little guidance to where access to off-street parking should be provided. Consequently, under current rules for most zones, the land use code doesn't restrict how cars entering and exiting parking lots cross sidewalks.

In the Pedestrian-designated areas, parking location is more tightly controlled:

- In P1 areas parking is not permitted along the principal pedestrian street front
- In P2 areas, parking is permitted to the side of a building only if providing parking to the rear of the building or off-site would require demolishing a commercial structure; parking to the side of a building can't exceed 60 feet along the principal pedestrian street front.

In P1 and P2 designated areas, a hierarchy of preferences for access to parking is provided: access from alleys is preferred, then from side streets, and only if there is no access from an alley or a side street is a curb cut across the principal pedestrian street permitted.

### 3. Pedestrian Environments

Creating healthy and vital pedestrian-oriented business districts has been one of the key goals of the City's regulations for commercial areas. In order to create intensively pedestrian business districts, the Pedestrian (P) designations and their identifying Principal Pedestrian Streets were adopted in 1986 as part of the process that established pedestrian-oriented Neighborhood Commercial zones. The P designations function similarly: to encourage "pedestrian interest and activity at the street level" in a way that is more intensive than the NC zones generally.

The Pedestrian 1 (P1) and Pedestrian 2 (P2) designations apply to NC-zoned properties abutting streets that have been identified as Principal Pedestrian Streets. These streets are identified in Section 23.47.040 of the Seattle Land Use Code. The Principal Pedestrian Street designation does not affect standards for development of the right-of-way. The P1 and P2 designation *does affect* development on abutting property, however.

Pedestrian-designated areas offer less flexibility than the NC zones in terms of street front façade treatment, setbacks, and permitted uses. The P-designations also offer substantially higher parking waivers in

order to encourage "non-auto modes of transportation".

Elements of pedestrian-oriented developments and streetscapes encouraged by the P-designations include the following:

- ▶ Strategic use of parking waivers to encourage non auto-oriented travel.
- ▶ Parking location and access that does not conflict with pedestrian travel.
- ▶ Parking that is located away from key pedestrian streets and intersections.
- ▶ Limited curb cuts in identified pedestrian-oriented commercial areas.
- ▶ Frontage design of buildings, including overhead weather protection, pedestrian lighting (such as sconces), blank façade restrictions, transparency,
- ▶ Setback requirements—both street-level and upper story setbacks to provide a scale of development that is comfortable to humans at the street-level.
- ▶ Modulation of street-level setback to provide relief and to compensate for potentially intimidating bulk, narrow sidewalks, or speeds/ volume on adjoining streets
- ▶ Design of open space on private properties that co-mingles with the

Table III-8

Comparison of Pedestrian Designations and Commercial Zone Standards

	<b>Pedestrian Designation</b>	<b>NC zones</b>	<b>C zones</b>
Street frontage	Front can not be setback more than 10 feet from the property line  Required uses must occupy the first ten feet above grade of sidewalk	No required setback for the first 13 feet for mixed use and nonresidential uses.	Same as NC
Blank Façade	limited to 30 feet in width, not to exceed 40% of the structure along the principal pedestrian street.	Landscaping or artwork permitted in front of blank façades.	Landscaping or artwork required only when across the street from a residential lot.

public realm.

- ▶ Appropriate street right-of-way design that includes wide sidewalks, curb bulbs, stamped sidewalks, and mini open-spaces at street level.
- ▶ Requiring and/or restricting specific street-level uses to those that encourage and respond to pedestrian activity.

All Neighborhood Commercial areas are intended to be pedestrian-oriented business districts. However, the P1 and P2 designations are intended to promote a more intensive pedestrian-oriented shopping district, where non-auto modes of transportation are encouraged. Provisions that apply to P-designated areas are more restrictive than those that apply to NC zones in terms of street front requirements, street-level uses, parking location and access, and parking quantities.

#### **a) Street Front Design**

In general, buildings in P-designated areas are subject to requirements above and beyond those applied in the NC zones in order to provide interest at the street-level.

The P designations restrict the first story setback and blank frontages along principal pedestrian streets. These have worked well to ensure compatible scale and street presence in the limited context of the P designation. However, several mixed-use projects outside of P designations have successfully incorporated wider street-level setbacks that offer open space for pedestrians. An example of this is the Lake Side Plaza in the Green Lake area, where the building provides a courtyard that is set-back from the street considerably further than would be allowed within a P-designation.

The design review process has resulted in projects that incorporate open space into the

sidewalk/ street frontage of buildings in lieu of open space within the design of the building.

Flexibility in upper story setbacks makes sense in pedestrian-oriented areas when there is modulation along the street frontage, and when the setback incorporates usable open space in the form of wider sidewalks or circulation areas. The Harrison is located on busy 15<sup>th</sup> Avenue East. In spite of the proximity of traffic, the Harrison creates a welcoming pedestrian realm by combining a small courtyard with the sidewalk at the street level.

Similarly, the angled entryway at the southwest corner on the 45<sup>th</sup> Street Plaza widens the sidewalk on the corner in order to accommodate a high level of pedestrian traffic. The pedestrian environment is further enhanced through the use of overhead weather protection, high, transparent windows and the use of street trees and planters at-grade that soften the building.

#### **b) Street level uses**

A collection of appealing uses along a street are perhaps the most critical element of a pedestrian-oriented business district. The pedestrian designations acknowledge this by generally requiring commercial uses at the street level. This has been one of the primary reasons for encouraging residential buildings to include non-residential uses in commercial areas.

The regulations for mixed-use buildings require that 80% of the street front be occupied by nonresidential uses, and restrict drive-in uses. The pedestrian designations (P1 and P2) further restrict street-level uses to those that have the potential to animate the sidewalk such as retail, food vending and personal services. Drive-in uses are prohibited.

Requiring ground-level uses in designated pedestrian districts can result in well-designed, animated storefronts that contribute to the vitality of commercial districts. However, ground level retail in parts of commercial districts with poor visibility or a lack of a strong commercial orientation can lead to ground-level space that sit vacant for long periods, creating an appearance that may discouragd rather than encourage pedestrian activity. Among the areas that can be less attractive for ground level uses are the edges of commercial districts; in locations, such as the back side of a commercial district that are less likely to experience pedestrian traffic; or, in underdeveloped sections of long commercial

strips.

Some neighborhoods have provided strong direction about the location where street level uses should be concentrated. For example, the Pike/Pine overlay requires street level uses along Pike and Pine Streets, but allows single-purpose residential structures on the side streets that join Pike and Pine. The Columbia City neighborhood plan recommended rezones of some areas along Rainier Avenue South in order to encourage a more concentrated commercial district. Finally, a section of 19<sup>th</sup> Avenue, off Madison was rezoned in response to the Madison-Miller neighborhood plan to allow more residential development. One single purpose residential building, the 19<sup>th</sup>

**Table III-9**  
**Street Level Use Requirements by Zone Category**

	NC1	NC2	NC3	Pedestrian Designation	Residential Designation (NC/R)
Street Level Uses	<p>Mixed use development shall feature 80% nonresidential at street front.</p> <p>Nonresidential space must be an average of 30 feet deep, up to 50% of the building footprint.</p> <p>Street level floor height of Mixed Use Development must be 13 feet.</p> <p>Density limits for single purpose residential.</p> <p>Nonresidential size of use limits progressively greater per zone (23.47.010).</p>			<p>All of the NC Standards and:</p> <p>80% of street level uses must include the following:</p> <ul style="list-style-type: none"> <li>• personal and household retail sales and service</li> <li>• eating and drinking establishments</li> <li>• Customer service offices</li> <li>• Entertainments uses <ul style="list-style-type: none"> <li>• Pet grooming</li> <li>• Public library</li> </ul> </li> </ul>	<p>NC standards, but:</p> <p>Street level height and depth limits do not apply</p> <p>No density limits for single-purpose residential</p>
Drive-in Businesses	Prohibited	Max. of 2 lanes	Max. of 4 lanes	Prohibited	Prohibited
Principal Use Parking	Generally Prohibited	Generally Permitted		Prohibited	Generally Permitted

Note: C zones must meet the NC standards only if a project wants to exceed maximum density limits for residential uses or maximum size limits for offices. There are no limits on drive-ins or parking.

Avenue Lofts, has already been built under that new zoning.

Many neighborhoods have also expressed interest in requiring street level uses at the cores of their neighborhood business districts, in order to maintain and enhance the existing pedestrian-orientation of their neighborhood. Some neighborhoods have been reticent about applying one of the Pedestrian designations, however, because of the parking waivers that are granted under those designations.

#### 4. Open Space

In Seattle's commercial areas, projects must provide usable open space for residents.

These spaces tend to take the form of outdoor communal space such as roof decks or courtyards, with many units also having private decks or balconies. Some buildings also include indoor communal spaces, such as gyms, pools or party rooms.

Residents use on-site open spaces frequently and for a number of different uses. In a survey of 133 residents of mostly new projects built in commercial or Downtown zones, outdoor communal space was most often available to residents, but less frequently used than private outdoor space or indoor communal space.

Question	%
Have private deck or balcony	65%
% who have a deck or balcony that use it at least weekly	77%
Have indoor amenity space	71%
% who have indoor space that use it at least weekly	51%
% who have outdoor communal space that use it at least weekly	90%
Use outdoor space at least weekly	38%

The most frequent use of all amenity spaces was to provide fresh air, with close to half of respondents using outdoor space for entertaining and grilling. Indoor spaces are most frequently used for exercising at building gyms or pools.



**Use of Amenity Spaces**  
(% of respondents using space)

Use	Private Outdoor	Shared Outdoor	Shared Indoor
Fresh Air	86%	77%	N/A
Entertaining/ Dining	44%	49%	49%
Cooking (Grill)	44%	42%	N/A
Gardening	37%	3%	N/A
Storage	27%	2%	N/A
Smoking	27%	12%	N/A
Other	17%	26%	15%
Pet Area	15%	9%	N/A
Enjoying a View	5%	7%	N/A
Children's Play Area	5%	5%	2%
Reading	2%	3%	14%
Exercising	1%	N/A	83%
Sun Bathing	1%	5%	N/A
Watching Movies	N/A	1%	35%

*italics = self-reported*

Many developers have provided required open space on roof decks, which provide outdoor space that allows tenants privacy, without requiring any building setbacks or other impacts on the amount of developable space. However, roof decks can be expensive to build because they require extra-strong roofing, and elevators that can reach the roof. According to the survey, roof decks may also not be used as much as other types of recreation space. Because they are hidden on the roof, they may also not provide as much visual interest as other open space configurations.

### Amount of Space Required

Current open space requirements for residential uses in commercial zones were first introduced in 1988. Since then, no significant changes have been made to the provisions, even when substantial changes were made in 1989 to open space requirements for multifamily zones.

As a result of a piecemeal approach to adjusting open space requirements, and unintentionally, a significantly greater amount of open space is required in commercial zones than for comparable residential development in other zones. Table III-10 summarizes open space requirements for residential uses according to zone in which they are located. Table III-10 also describes comparable open space requirements, or lack thereof, for Portland, Oregon and Vancouver, British Columbia.

Of the six comparable requirements, commercial zones are required to provide the most residential open space. Table III-11 shows how much open space would be required under today's standards for each of 13 projects built in commercial zones. Table III-11 also shows how much open space would be required if the projects were located in a zone other than commercial.

Some commercial and downtown zones have very similar development standards. However, open space requirements can vary widely across these similar zones. Table III-11 shows that the residential open space requirement in commercial zones can be up to four times greater than in downtown zones. In downtown zones, an area equal to 5% of the structure's residential gross floor area is required for "common recreation area." In commercial zones, an area equal to 20% of the structure's residential gross floor area is required for "usable open space."

**Table III-10**  
**Residential Open Space Requirements**

<b>Zone</b>	<b>Residential Open Space Required</b>
<b>Seattle's Multifamily Zones</b>	
Lowrise (L)	25% of the lot area if provided at ground level, or 30% of the lot area if provided above ground level.
Midrise (MR)	25% of the lot area if provided at ground level, or 30% of the lot area if provided above ground level.
Highrise (HR)	50% of the lot area at ground level, or 25% of the lot area at ground level plus 30% of the lot area above ground level.
<b>Seattle's Mixed-Use Zones</b>	
<b>Commercial (C and NC)</b>	<b>20% of the structure's gross floor area in residential use. Open space may be provided at or above ground level.</b>
Downtown and Seattle Cascade Mixed (SCM)	Open space ("common recreation area") is only required for projects that have more than 20 units. 5% of the structure's gross floor area in residential use. It may be provided at or above ground level. In addition, up to 50% of the required area may be inside (i.e. gymnasium, swimming pool, television room, etc).
<b>Other Cities</b>	
Portland, Oregon	No explicit open space requirement in comparable zones. According to Portland Planners, they allow the market to dictate the amount of open space provided. In its low density residential zones, Portland requires 48 sq. ft per unit of "required outdoor areas."
Vancouver, British Columbia	No explicit open space requirement. Like Portland, they allow the market to dictate the amounts of open space provided. The City of Vancouver also negotiates amenities on a case-by-case basis.

In Downtown Mixed Residential (DMR) zones, residential structures, or residential portions of structures, are permitted at heights of 85' to 240', with unlimited density and 100% lot coverage up to 65'. In Neighborhood Commercial 3 (NC3) zones located within the First Hill Urban Village, residential structures, or residential portions of structures, are permitted at heights of 160', also with unlimited density and 100% lot coverage up to 35'. Commercial zones outside of the First Hill Urban Village allow residential structures, or residential portions of structures, to achieve a range of heights,

including 85', 125', and 160'. However, those zones also have Floor Area Ratio (FAR) limits, which are used to control the scale and bulk of structures.

It is illustrative to examine the per-unit open space required. In project #12, the amount of per-unit open space required under commercial regulations is 186 sq. ft. If the same project were developed in a DMR zone, then the per-unit open space required would be 47 sq. ft – the size of a deck. Considering that the two zones allow comparable development, the difference in the two requirements is extraordinary.

**Table III-11**  
**Residential Open Space Required under Commercial and Other Zoning standards**

Sample Project	Project Information				Square feet of Open Space Required by Zone			
	Zoning	Lot Size	Units	Res. Floor Area	Commercial	Lowrise/ Midrise	Highrise	Downtown and SCM*
1.	NC1-30	8,735	8	15,723	<b>3,145</b>	2,184	4,368	0
2.	NC1-30	11,300	7	7,840	<b>1,568</b>	2,825	5,650	0
3.	NC1-30	12,688	17	15,041	<b>3,008</b>	3,172	6,344	0
4.	NC1-30	13,310	18	9,652	<b>1,930</b>	3,328	6,655	0
5.	NC1-30	36,294	30	31,017	<b>6,203</b>	9,074	18,147	1,551
6.	NC2-40	9,884	19	9,600	<b>1,920</b>	2,471	4,942	0
7.	NC3-40	4,400	8	7,663	<b>1,533</b>	1,100	2,200	0
8.	NC3-40	6,880	10	9,447	<b>1,889</b>	1,720	3,440	0
9.	NC3-65	15,750	62	42,441	<b>8,488</b>	3,938	7,875	2,122
10.	NC3-65	17,700	57	56,977	<b>11,395</b>	4,425	8,850	2,849
11.	NC3-65	19,450	24	20,931	<b>4,186</b>	4,863	9,725	1,047
12.	NC3-160	14,400	154	143,398	<b>28,679</b>	3,600	7,200	7,170
13.	C1-65	20,283	88	65,420	<b>13,084</b>	5,071	10,142	3,271

Overall, open space requirements in large projects in commercial zones can be much higher than in comparable areas. Tying the requirement to building square feet, as opposed to lot area, may create a disincentive to develop denser projects in commercial zones compared to multifamily zones, where requirements do not increase as the size of a project increases.

## 5. Additional Development Standards

In addition to the development standards discussed above, the City regulates a number of other aspects of development, including setbacks, noise and odor, and live-work units.

### a) Setbacks

Unlike single-family areas, where setbacks and other requirements are intended to ensure a consistent building form; in most commercial zones, the code is intended to minimize impacts through its setback requirements. Setbacks are required in commercial zones only when:

- A commercial lot is next to the front yard of a residentially zoned lot.
- A structure in a commercial zone is taller than 13 feet and shares a side or rear lot line with a residentially zoned lot;
- Parking is at street level and abuts the street or a residentially zoned lot;
- A sidewalk is not wide enough to plant required street trees;
- Loading access is from an alley; or
- Mobile home parks, farm animals, or beehives are being sited in a commercial zone.

### b) Landmark districts and structures

Three of Seattle's designated historic districts include commercially zoned land, and 35 designated historic structures, sites, objects, and vessels are located in commercial areas. In order to ensure that these important community resources are able to be used and maintained, the City provides some flexibility for these structures. For example, the code allows open space, setback, screening, and landscaping standards to be waived for

designated structures or structures in designated districts. These waivers are subject to review by the Landmarks Preservation Board in order to make sure that changes to the building retain the character or features that led to their initial designation.

### c) Phasing of development for large projects

In order to provide consistent review for development on large sites and for projects that include a number of separate buildings, the City allows some projects to be phased. Reviewing major phased developments as a whole at the start of the project, gives the City the opportunity to assess the cumulative impacts of a string of projects. Without a major phased development process, the City would not be able to review a large project, such as University Village, which contains many sub-parts and is developed over a number of years. The major phased development process allows developers predictability for large projects that may be built in phases. They are able to receive permits under one set of rules and do not need to worry about how changing regulations would impact their plans. Under a major phased development permit, the developer, City and neighborhood understand the expected amount and type of development.

### d) Regulations to Limit Negative impacts

Activities in commercial districts can sometimes impact their neighbors. A number of regulations are in place to restrict the potential for negative impacts. These regulations address issues like noise and odor, light and glare, and standards for keeping animals.

#### Noise

The City limits potential noise impacts from activities in commercial areas in two ways.

Some identified activities, such as manufacturing, fabricating, and repairing are required to take place within an enclosed structure in pedestrian-oriented zones or near residential zones. These activities are likely to have noise impacts that can be reduced through the simple act of keeping them indoors. In addition, some uses, such as light manufacturing, vehicle repair, and recycling centers have been identified as “major noise generators.” When major noise generators are proposed, an acoustical consultant is hired to identify measures that need to be taken to meet identified noise standards for the area.

### **Odors**

Strong or acrid odors are controlled in similar ways. The City requires that odors be vented at least ten feet above a sidewalk, and directed away from residential uses. In addition, a number of uses are identified as major odor sources. These uses include activities such as vapor degreasing, animal food processing, and a number of cooking activities if they are not employed as part of a retail sales and service use. The City works with the Puget Sound Clean Air Agency on a site-by-site basis to identify specific measures to reduce the potential of odor emissions and airborne pollutants from these major odor sources.

### **Light and glare**

The City’s regulations regarding light and glare seek to balance the need to light structures, parking areas, and outdoor storage areas, while limiting light and glare on surrounding uses, enhancing commercial environments and encouraging energy conservation. A number of different requirements are in place to do this:

- Exterior lighting is required to be shielded and directed away from adjacent uses.

- Parking garages are required to shield their lighting.
- Driveways and parking lots are required to be screened to prevent headlights from impacting their neighbors.
- The height of light poles is limited.

In addition, the City regulates structures that are likely to cause glare because of highly reflective glass or other reflective siding. If they are near residential zones or major arterials, the developer is required to provide a diagram that shows those glare impacts, and modifications to the proposed building may be required.

### **Outdoor Activities**

Outdoor activities can have noise and visual impacts on the surrounding area. In order to contain those impacts and to ensure that development is appropriate to the neighborhood, the City places a number of limits on outdoor activities:

- In NC1 and NC2 zones, the amount of lot area dedicated to outdoor sales is limited.
- Outdoor storage is prohibited in NC1, NC2 and NC3 zones.
- The size of outdoor recycling collection is limited.
- A number of outdoor activities are required to be located away from residentially zoned lots.
- Outdoor activities are required to be screened and landscaped.

### **Garbage and recyclable storage**

Solid waste and recyclable materials storage is a small aspect of a commercial project, but because it needs to be readily accessible to both the tenants of the building and the company picking up the waste, it can be a difficult part of a building to fit onto a site.

The City requires a certain amount of storage space by building size and regulates its design, its accessibility, and access. Flexibility is provided if the standards are difficult to meet and alternative workable measures are proposed.

### **Standards for keeping animals**

The keeping of farm animals and bees is rare in Seattle's commercial areas, but it does occur. Domestic fowl, farm animals, bees and small animals are each subject to specific regulations that limit the potential impact of these creatures on the surrounding neighborhood, generally by limiting the number of animals, birds or bees that can be kept on a particular lot.

## **C. Additional Review: Design Review and SEPA**

In addition to the project review required for new development and new uses in commercial areas, two other review processes can exert a significant influence on commercial areas. Design Review and environmental review under the State Environmental Policy Act (SEPA) are required for most projects built in neighborhood business districts. Both reviews look at the relationship between a specific proposal and its surroundings and provide opportunities for public comment and input into the design and planning of new buildings.

### **1. Design Review**

Seattle's Design Review program provides a forum for neighborhoods, developers, architects, and City staff to work together to ensure that new developments contribute positively to Seattle's neighborhoods.

Design Review has three principal objectives:

1. To encourage better design and site planning that enhances the character of the city and ensures that new development sensitively fits into neighborhoods;
2. To provide flexibility in the application of development standards; and
3. To improve communication and participation among developers, neighbors and the City early in the design and siting of new development.

The Design Review process includes at least two public meetings of a citizen board that initially identifies key design guidelines out of a set of citywide and neighborhood guidelines and then reviews proposals according to those guidelines. The process also allows for waivers from specified standards in the land use code, if the board

agrees that the proposed designs would help the overall design of the building to fit into the neighborhood.

Most new construction in neighborhood business districts is subject to design review. In NC1, NC2 and NC3 zones, design review is required for buildings that will include at least 4 dwelling units or 4,000 square feet of nonresidential space. In C1 and C2 zones, projects within urban villages or next to single family zones, with at least 4 units or 12,000 square feet of nonresidential space are required to go through the design review process. Projects that don't meet those thresholds can opt to go through an administrative review process which does not involve review by the public board.

The design review process can recommend departures from the following standards:

- Setback requirements
- Design, location, and access to parking requirements
- Open space requirements
- Lot coverage limits
- Screening and landscaping requirements
- Standards for the location and design of nonresidential uses in mixed-use buildings

Departures are granted when a better building can be designed if more flexibility is given to a developer. Information on Code departures granted through Design Review provides some insight about the Code requirements that consistently constrain the design of new structures.

Nearly 50% of the Code departures occurred for projects within the NC3 zone, followed by roughly 20% in NC2 zones. The rest were roughly divided among Downtown, auto-oriented commercial zones, and split-zoned lots; no departures were sought or

granted in NC1 or Seattle Cascade Mixed zones.

The most frequently granted departures were related to mixed-use projects: upper level lot coverage requirements (approximately 22 instances) and required open space (approximately 19 instances). Most of the lot coverage departures allowed projects to cover more than 64% of the lot, by amounts ranging from 2%-10% of the lot area. Other relatively common departures were granted for reduced setbacks, less-than-required length of non-residential uses along street frontage, and reduced driveway or parking requirements.

Design review has proven to be a successful program, leading to better design of projects, providing better public input into a project's design and reducing the number of lawsuits over development proposals.

## **2. SEPA review**

The State Environmental Policy Act (RCW 43.21C) requires the City to consider the environmental impact of projects before making decisions. Among the purposes of this state law are to encourage productive and enjoyable harmony between humans and their environment and to promote efforts which will prevent or eliminate damage to the environment and biosphere. The purposes set forth in the City's ordinance include minimizing or preventing the loss of wildlife habitat and other vegetation, and helping to protect special habitat types. SEPA was enacted to ensure that decision-makers consider environmental consequences before taking action and to assure the opportunity for public review of development plans and projects. SEPA requires that environmental review occur early in the development review process. The environmental review is designed to ask critical questions about possible impacts on

the environment and the actions that can be taken to avoid or mitigate those impacts.

SEPA reviews proposals that establish a new use or expand an existing use. The thresholds for SEPA review for new construction are the same as the thresholds for Design Review. Many projects going through a change-of-use review are also subject to SEPA review, depending on the size of the project or the differences between the uses. For example, changing from an office to a retail use doesn't require review under SEPA, but changing from an office to a warehouse might.

SEPA requires review of how a project might impact the following elements of the environment:

- Earth
- Air quality
- Water
- Plants
- Animals
- Energy and Natural Resources
- Environmental Health
- Land and Shoreline Use
- Housing
- Aesthetics
- Light and Glare
- Recreation
- Historic and Cultural Preservation
- Transportation
- Public Services
- Utilities.

Under SEPA, the City can condition or deny projects based on environmental impacts.

Some impacts, such as noise from construction, are routinely conditioned with standard limitations on construction timing. On other sites, project-specific or site-specific situations may contribute to adverse impacts that need to be mitigated with unique mitigation measures. Decisions under SEPA are subject to public comment

and may be appealed to the City's Hearing Examiner or the courts.